

Notice of Allowability	Application No.	Applicant(s)	
	09/945,480	BECK, LAURENCE A.	
	Examiner	Art Unit	
	George Eng	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/12/2005.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


GEORGE ENG
PRIMARY EXAMINER

EXAMINER'S STATEMENT OF REASONS OF ALLOWANCE

1. Claims 1-20 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Applicant's invention is drawn to utilize of in-band signaling to facilitate modem on hold in order to provide a user-transparent modem-on-hold communications between a local modem and a digital terminal equipment more efficiently and without interrupt of data flow between the local modem and a remote modem (i.e., a local modem capable of receiving an alert signal from central office to indicate an incoming call from a third party while is in communication with a remote modem, collecting caller identification received from the central office and informing a host of the call waiting event, wherein the local modem is operable to transmit the caller identification to the host using an in-band caller identification message in response to an in-band caller identification request from the host, and to receive an in-band answer request from the host to answer the incoming call).

Applicant's independent claim 8 recites, *inter alia*, a local modem in communication with a host with a structure as defined in the specification (page 10-21) including a processor controlling a host receiver, a host transmitter, a modem receiver and a modem transmitter, the processor having an in-band controller, wherein said processor acknowledges said alert signal, said modem transmitter notifies said remote modem of a modem-on-hold state, said processor collects caller identification received by said modem receiver from said central office, said processor informs said host of said alert signal, said in-band controller receives an in-band caller identification request via said host receiver from said host, said in-band controller transmits said

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caller identification to said host using an in-band caller identification message via said host transmitter, and said in-band controller receives an in-band answer request via said host receiver from said host to answer said incoming call, wherein said in-band caller identification request, said in-band caller identification message and said in-band answer request are embedded in a data stream being communicated between said local modem and said host. Applicant's independent claim 8 comprises a particular combination of elements, which is neither taught nor suggested by the prior art.

Applicant's independent method claims 1 and 14 each recite, *inter alia*, receiving an in-band caller identification request from said host for said caller identification, transmitting said caller identification to said host using an in-band caller identification message, and receiving an in-band answer request from said host to answer said incoming call, wherein said in-band caller identification request, said in-band caller identification message and said in-band answer request are embedded in a data stream being communicated between said local modem and said host. These steps, in combination of the remaining steps, are neither taught nor suggested by the prior art.

Accordingly, these claims are allowed for these reasons and for the reasons recited by Applicant in Amendments filed 1/8/2005 and 7/12/2005.

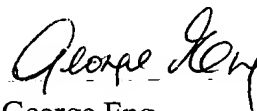
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (571) 272-7495. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George Eng
Primary Examiner
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